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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,629	08/10/2001	Hitoshi Furuhashi	041514-5137	2929
9629	7590	03/15/2004	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			PATEL, GAUTAM	
			ART UNIT	PAPER NUMBER
			2655	
			DATE MAILED: 03/15/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,629

Applicant(s)

FURUHATA ET AL.

Examiner

Gautam R. Patel

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 7-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-22 are pending for the examination.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. § 119(a)-(d), which papers have been placed of record in the file.

Election/Restriction

3. Claims 7-22 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species [spies other than fig. 2-6] and second non-elected group B. Since the Applicants are silent about the traverse, it is believed that Election was made **without traverse** in Paper No. 7.

As to the argument and/or question of generic claims. It should be pointed out that since claims 1-11 and 12-22 are in totally different groups and claiming two different things such as optical pickup and laser unit, it is very clear that these claims can not be generic at all. Now as to claims 1 and 7, claim 7 claims a brazed hologram device, which is totally absent from the claim 1, therefore by definition they can not be generic either.

The requirement is still deemed proper and is therefore made **FINAL**.

The Applicants are urged to cancel non-elected claims 7-22.

Specification

4. The disclosure is objected for following reasons.

The title of the invention is neither precise nor descriptive. A new title is required which should include, using twenty words or fewer, claimed features that differentiate

the invention from the Prior Art. It is recommended that the title should reflect the gist of or the improvement of the present invention.

Correction is required.

Claim Rejections - 35 U.S.C. § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Yang, US. patent 6,043,911 (hereafter Yang).

As to claim 1, Yang discloses the invention as claimed [see Figs. 2-6, especially 2 and 4], an optical pickup including a light emitting device with two sources, a holding member and two gratings, comprising:

a light emitting device [fig. 2, unit 32 & 34] having at least a first light source [fig. 2, unit 32] for emitting a first laser beam [650 nm] and a second light source [fig. 2, unit 34] for emitting a second laser beam having a wavelength different [780 nm] from that of said first laser beam and in which said first and second light sources are closely arranged [col. 3, lines 23-44];

an optical system formed with an irradiation optical path for guiding said laser beam toward a recording medium and a reflection optical path for guiding a reflected laser beam by said recording medium toward a photodetector [fig. 4, unit 42] [col. 4, lines 29-59]; and

a holding member [fig. 2, unit 30 and 36] for holding optical parts of said optical system, wherein on said irradiation optical path near an arranging position of said light emitting device, said optical system includes a first grating [fig. 2 unit 38A] for allowing said first laser beam to pass as a 0th order light, diffracting said second laser beam, and generating a primary diffracted light having an optical axis which closely coincides with

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an optical axis of said first laser beam and a second grating [fig. 2, unit 38B for using the laser beam supplied from said first grating as a main beam and generating sub-beams for generating a tracking error signal according to a three-beam method with respect to said main beam [col. 3, line 66 to col. 4, line 59], and

said holding member holds a unit [fig. 2, unit 36] in which said light emitting device and said first and second gratings are integrated [col. 3, lines 23-65].

6. Claim 2 recite the following features, inter alia, disclosed in Yang:

said first and second gratings are formed by a single hologram device [fig. 2, device 38] [col. 3, lines 23-65].

7. Claim 3 recite the following features, inter alia, disclosed in Yang:

said hologram device is a device in which said first grating is formed on a surface of a plate-shaped substrate and said second grating is formed on another surface of said plate-shaped substrate [col. 3, lines 23-65].

8. Claim 5 recite the following features, inter alia, disclosed in Yang:

an amount of light of said primary diffracted light becomes larger than that of another primary diffracted light having a different polarity in said first grating [col. 4, lines 29-59].

9. Claim 6 recite the following features, inter alia, disclosed in Yang:

a wavelength of said first laser beam is shorter [650 nm] than that of said second laser beam [780 nm] [col. 3, lines 23-65].

Claim Rejections - 35 U.S.C. § 103

10. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be

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patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yang et al., US. patent 6,043,911 (hereafter Yang) in view of Kikuchi et al. US. patent 6,043,911 (hereafter Yang).

As to claim 4, Yang discloses all of the above elements, including a hologram device. Yang does not specifically disclose that hologram is brazed [blazed] or not.

However, brazed holograms are well known in the art for a very long time, and most of them are brazed. Also Kikuchi clearly discloses: said first grating is brazed in said hologram device [col. 11, lines 6-15 and fig. 4].

Both Yang and Kikuchi are interested in improving the hologram and diffraction grating in an optical disk device having dual light sources.

One of ordinary skill in the art at the time of invention would have realized that the most of hologram devices are brazed, especially in a dual wavelength environment. And reducing the size of the optical head would be good feature to have for saving money and real estate on the system.

Therefore, it would have been obvious to have used a brazed hologram in the system of Yang as taught by Kikuchi because one would be motivated to reduce the size of the optical head in the system of Yang and provide a more compact design thus saving money and real estate in the system [col. 11, lines 10-15; Kikuchi].

Other prior art cited

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12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Yoshida et al. (US. patent 5,428,584) "Pickup device ...".
- b. Komma et al. (US. patent 5,412,631) "Optical head apparatus ..".
- c. Sheridon (US. patent 3,623,798) "Blazed holograph fabrication".
- d. Saliba et al. (US. patent 6,246,535) "Optical apparatus ...".
- e. Sincerbox (US. patent 4,497,534) "Holographic optical head".
- f. Abe et al. (US. patent 6,084,843) "Optical recording and reproducing ..".
- g. Choi (US. patent 5,636,190) "Optical pickup sytem ..".

Contact Information

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam R. Patel whose telephone number is (703) 308-7940. The examiner can normally be reached on Monday through Thursday from 7:30 to 6.

The appropriate fax number for the organization (Group 2650) where this application or proceeding is assigned is (703) 872-9314.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To can be reached on (703) 305-4827.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-4700 or the group Customer Service section whose telephone number is (703) 306-0377.



Gautam R. Patel
Primary Examiner
Group Art Unit 2655

March 10, 2004